

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-161

JOSE ALBERTO RESENDIZ-GOMEZ,

Defendant.

ORDER RE: REQUEST TO RECONSIDER

Defendant Jose Alberto Resendiz-Gomez pleaded guilty to one count of Conspiracy to Distribute a Controlled Substance (500 Grams or More of Cocaine) and one count of Possession of a Firearm and Ammunition by a Felon and was sentenced on September 19, 2024 to 60 months imprisonment, to be followed by 4 years of supervised release. Resendiz-Gomez's privately retained attorney, Aneeq Ahmad, filed a notice of appeal on September 29, 2024. The \$605 appellate filing fee was properly paid on October 15, 2024. On December 10, 2024, after some prompting by the Court of Appeals, a financial affidavit (only) was filed in this court. Just one week later, on December 17, 2024, this court construed the affidavit as a motion to appeal *informa pauperis* and granted the motion conditioned upon Resendiz-Gomez's deposit of \$5,000 of the \$7,000 he disclosed in his December 10, 2024 financial affidavit as being held in an Associated Bank account. Due to the significant funds on deposit, pursuant to 18 U.S.C. § 3006A(f), the court found that Resendiz-Gomez had the financial ability to contribute to his representation.

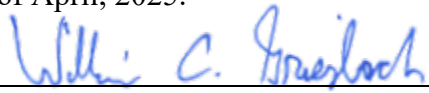
On February 18, 2024 counsel for Defendant/appellant filed a required update to the Court of Appeals and indicated counsel had made multiple inquiries in January and February 2025, speaking to both the defendant and his son, regarding whether the ordered payment had been made.

Counsel also “inquired about the bank account in Wisconsin *that was under the defendant’s alias* and was told that the account did not have as much money as once thought.” (Emphasis added) COA No. 24-2724, Dkt. No. 19. The Court of Appeals entered an order the following day directing “counsel for the appellant shall obtain an updated financial affidavit *from the appellant* and file, by March 20, 2025, a renewed motion to appeal in forma pauperis *with this [COA] court*, requesting amendment or removal of the payment condition.” (Emphasis added) COA No. 24-2724, Dkt. No. 20. Instead, on March 28, 2025, counsel filed an affidavit (only) in the district court, Dkt. No. 47, noting in the margin “counsel is informed that * this money is in another party’s name and is not accessible by the client or his family.” Because counsel was advised by the Court of Appeals to file any renewed motion in that court and as no *actual* motion in compliance with Fed. R. Crim. P. 47 was filed in the district court, no action was taken. Further, on March 31, 2025, the Court of Appeals docket indicates a motion to appeal *in forma pauperis* was, in fact, filed in that court¹.

On April 8, 2025, counsel for the defendant filed a letter request, Dkt. No. 48, asking this court to reconsider the March 28, 2025 affidavit. This court declines. The filings in this court provide insufficient factual detail regarding the ownership and history of the account in question to warrant reconsideration. In any event, the matter is properly before the Court of Appeals. No further action is warranted at this time.

The Clerk is directed to provide a copy of this Order to the Court of Appeals.

Dated at Green Bay, Wisconsin this 10th day of April, 2025.



William C. Griesbach
United States District Judge

¹ The actual pro se motion to appeal in forma pauperis filed in the Court of Appeals, COA Dkt. No. [21], is not viewable by this court.